



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 04747-99
30 August 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: [REDACTED] MC, USNR [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 19 Jul 99 w/attachments
(2) BUMED ltr dtd 13 Jul 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that her naval record be corrected by removing the additional two-year service obligation incurred because of the closure of Oakland Naval Hospital.

2. The Board, consisting of Messrs. Bartlett, Ensley and Schultz, reviewed Petitioner's allegations of error and injustice on 19 August 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner, a Medical Corps officer, chose the Oakland Naval Hospital for internship and began in June 1994. She was one of 11 residents who were selected to continue internal medicine residency when the hospital closed its doors for training in July 1995. She alleges an agreement was made with the University of California, San Francisco, for completion of training of all 11 internal medicine residents; and that most of the trainees who were forced to finish their residency in civilian institutions because of the closure did not incur any additional commitment, but five of them, including her, did incur two years of additional obligated service. She submits her request of 16 March 1999 to the Chief, Bureau of Medicine and Surgery (BUMED) to remove her additional commitment. The second endorsement, from the Commanding Officer, Naval School of Health Sciences, recommends approving her request.

c. In correspondence attached as enclosure (2), the BUMED office with cognizance over the subject matter of this case has commented to the effect that the second endorsement on Petitioner's request of 16 March 1999 should be considered as their advisory opinion supporting her application to this Board..

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected, where appropriate, to show she did not incur an additional two-year service obligation.

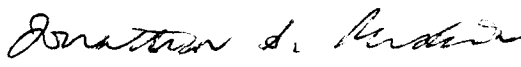
b. That BUMED be advised of this action, so similarly affected officers may be identified and informed of the Board's decision.

c. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.


d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

4747-99

IN REPLY REFER TO

1120
Ser 52/99-3043
13 Jul 99

From: Chief, Bureau of Medicine and Surgery
To: Board for Correction of Naval Records

Subj: ADVISORY OPINION ICO LT [REDACTED]

Encl: (1) [REDACTED] request for removal of additional
service commitment

1. Enclosure (1) was forwarded to BUMED. Lieutenant [REDACTED]
request for adjustment of her obligated service date is a
Board for Correction of Naval Records action, therefore is
forwarded as a matter under your cognizance.

2. The second endorsement of enclosure (1) should be
considered as our advisory opinion supporting Lieutenant
[REDACTED] est.

3. Thank you for your assistance with this request.

[REDACTED]
By direction

Copy to:
[REDACTED]